

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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SUSANO CARDENAS, JR.

Petitioner,

vs.

Civil No. 97-1011 BB/WWD

RONALD LYTTLE, Warden,

Respondent.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS**  
**AND RECOMMENDED DISPOSITION**

1. THIS MATTER comes before the Court upon Defendant's Motion to Dismiss, filed April 29, 1998 [**docket # 25**]. Defendant seeks to dismiss the three claims which were presented in Petitioner's initial § 2254 petition. The petition has been amended pursuant to Court order of June 22, 1999 [see docket # 50].

2. The amended petition raises two grounds for relief, neither of which strongly resembles the initial claims addressed in the motion to dismiss.<sup>1</sup> Therefore, the motion to dismiss should be denied as moot in that they seek to dismiss claims which are no longer before the Court.

**Recommendation**

I recommend that Defendant's Motion to Dismiss, filed April 29, 1998 [**docket # 25**] be DENIED AS MOOT. Timely objections to the foregoing may be made pursuant to 28 U.S.C. § 636(b)(1)(C).

  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The claims raised in the initial petition were disjointed and segmented into various separate claims.